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OFFICE OF PETITIONS

In re Application of

Earl F. Crandall

Application No. 10/817,057

Filed: April 2, 2004

Attorney Docket No. 808.0002

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 20, 2006.

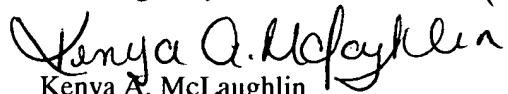
The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 2, 2006, after it was believed that no response was received to the non-final Office action mailed November 1, 2005. The notice allowed a period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on May 30, 2006, indicating that a reply to the non-final Office action was not received.

Petitioner states that an amendment responsive to the non-final Office action was filed on May 1, 2006, with a request for an extension of time within the third month, however; the amendment cited an incorrect application serial number. The evidence is convincing that an amendment responsive to the November 1, 2005, non-final Office action was filed on May 1, 2006, with a request for an extension of time within the third month. Petitioner has provided a copy of the amendment citing correct identifiers, except the application serial number and a copy of the Office date-stamped postcard whereby the Office acknowledged receipt of the amendment on May 1, 2006. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2800, GAU 2875, for further processing including entry of the amendment filed July 20, 2006.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions